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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/463,601	01/28/2000	HEINZ GOD	00287/469311	6532

7590

12/09/2002

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EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/463,601

Applicant(s)

GOD, HEINZ

Examiner

Kathleen M Christman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/28/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/28/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

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DETAILED ACTION

In response to preliminary amendment filed 01/28/2000, claims 1-36 have been cancelled; newly added claims 37-48 are pending.

Drawings

1. Applicant is requested to provide a descriptive legend for each of the structural elements in the drawings currently represented in the form of a hollow rectangle, for example those denoted by symbols 20 and 22 in Figure 1 and 1-13 in Figure 2. Correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 37-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 37, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claim 37 recites the limitations "the introduction period" and "the conscious perception threshold", claim 40 recites the limitations "the individual learning learning contents" and "the introduction period", claim 44 recites the limitation "the events", and claim 48 recites the limitation "the learning person himself". There is insufficient antecedent basis for these limitations in the claims. Claims 38, 39, 41-43, and 45-47 are rejected for their incorporation of one or more of the above through their dependencies.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 37-48, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Lundberg (US 5738527). Regarding claim 37, the means which cause a visual presentation to run on a display screen corresponds to the background presentation of Lundberg, the means which call up learning contents to be learnt, which in respect of content are independent of the content of the visual presentation, from a learning material memory corresponds to the screensaver function calling the questions from the question sets, and the means which introduce the learning contents at changing locations in the region of the visual presentation on the display screen wherein the introduction period is below the conscious perception threshold, also corresponds to the features of the screensaver function, this same holds true for the limitations of claim 38. Means which control the learning system with evaluation of data inputted by way of an input device, claim 39, are taught at col. 5: 37. Regarding claims 40 and 41, individual learning contents are introduced at time intervals from each other, wherein the introduction period of a learning content is substantially shorter than the time period between two successive introductions of learning contents, and a specific range of 1-10 seconds corresponds to the teachings of Lundberg at col. 5: 67 – col. 6: 3. The time interval being settable by the user, as in claim 42, is taught at col. 3: 35-38. Regarding claim 43, the loading of information into a "buffer memory" equates to the loading of the information into a computer memory. The location of introduction contents follows the event of the visual presentation on the display screen, claim 44, is taught at col. 2: 26-29. The learning content being introduced acoustically in the form of speech, claim 45, is taught at col. 4: 7-10. Regarding claim 46, this function is described at col. 5: 55-63. The content of the learning contents

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stored in the material memory is variable and variable by the learning person himself, is taught by the custom database options and custom question creation described at col. 3: 22+.


Conclusion

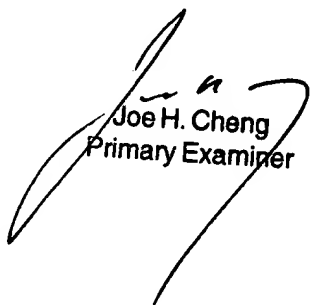
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Ho et al (US 5743743) teaches a system which restricts a user's access to entertainment materials with educational sessions
 - b. Ho et al (US 5743746) teaches a system and method in which students are awarded with entertainment material upon completion of educational content
 - c. Sorensen et al (US 5827071) teaches a learning system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Kathleen M. Christman
Patent Examiner
November 20, 2002


Joe H. Cheng
Primary Examiner